

# **Task Force to Study Repealing the Disenfranchisement of Convicted Felons in Maryland**

---

**Presentation to the  
Maryland General Assembly**

**Department of Legislative Services**

**Office of Policy Analysis**

**Annapolis, Maryland**

**December 2001**

**For further information concerning this document contact:**

Library and Information Services  
Office of Policy Analysis  
Department of Legislative Services  
90 State Circle  
Annapolis, Maryland 21401

Baltimore Area: 410-946-5400 • Washington Area: 301-970-5400

Other Areas: 1-800-492-7122, Extension 5400

TDD: 410-946-5401 • 301-970-5401

Maryland Relay Service: 1-800-735-2258

E-mail: [libr@mlis.state.md.us](mailto:libr@mlis.state.md.us)

The Department of Legislative Services does not discriminate on the basis of race, color, national origin, sex, religion, or disability in the admission or access to its programs or activities. Sherry M. Little has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Requests for assistance should be directed to Ms. Little at the telephone numbers shown above.



THE MARYLAND GENERAL ASSEMBLY

ANNAPOLIS, MARYLAND 21401-1991

TASK FORCE TO STUDY REPEALING THE  
DISENFRANCHISEMENT  
OF CONVICTED FELONS IN MARYLAND

MICHAEL C. COLLINS  
Senate Chairman

KERRY HILL  
House Chairman

January 18, 2002

The Honorable Thomas V. Mike Miller, Jr.  
The Honorable Casper R. Taylor, Jr.

Gentlemen:

The Task Force to Study Repealing the Disenfranchisement of Convicted Felons in Maryland respectfully submits this report on task force activities during the 2001 interim. Pursuant to Chapter 481 of the Acts of the General Assembly of 2001, the task force was charged with studying the national consensus as it relates to individuals convicted of more than one infamous crime other than voter fraud and how such convictions affect their right to vote. The task force met twice during the 2001 interim and heard presentations advocating the repeal of disenfranchising convicted felons and generally surveying the laws of other states with respect to this issue.

The task force would like to thank the staff of the Department of Legislative Services and the State Board of Elections for their efforts, particularly Anne Gawthrop, Laura Lodge, and Mary Wagner. We also express appreciation to Barbara Schwartz, Administrative Assistant to the Senate Environmental, Health, and Education Committee, for her assistance during the interim.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Collins".

Michael J. Collins  
Senate Chairman

A handwritten signature in cursive script that reads "Kerry Hill".

Kerry Hill  
House of Delegates Chairman



# Contents

---

Transmittal Letter	
<b>Introduction</b>	<b>1</b>
<b>Findings</b>	<b>1</b>
History	1
In General	1
Maryland Law	2
National Overview	2
Process for Restoration	3
Policy Considerations	4
Impact on African American Males	4
Violation of the Equal Protection Clause and the Voting Rights Act of 1965	6
Breach of the Social Contract	6
Administrative Concerns in Maryland	7
Recent Legislative Activity	7
<b>Appendix</b>	
Exhibit A: House Bill 495	11
Table 1: Categories of Felons Disenfranchised under State Law	15
Exhibit B: Process for Restoration of Voting Rights	17
Table 2: Disenfranchised Felons by State	19
Table 3: Disenfranchised Felons by State and Correctional Status	21



# **Task Force to Study Repealing the Disenfranchisement of Convicted Felons in Maryland**

---

## **Introduction**

After considering legislation during the 1999 and 2000 sessions that would have allowed convicted felons to vote following the completion of their sentences, the 2001 General Assembly created a task force charged with studying the repeal of the disenfranchisement of felons. (**Exhibit A**) The task force was charged with studying the national consensus as it relates to individuals convicted of more than one infamous crime other than voter fraud and how such convictions affect their right to vote.

The task force held its first meeting on October 30, 2001. A representative of the Sentencing Project, an organization recognized as a national leader in the development of alternative sentencing programs and in the reform of criminal justice policy, appeared before the task force and presented a report that advocated repealing the disenfranchisement of convicted felons, based on a survey of how other states address this issue. On November 27, 2001, the task force held its second meeting. A representative of the National Conference of State Legislatures presented a report that surveyed the laws of other states with respect to this issue.

The findings of the task force are delineated below.

## **Findings**

### **History**

#### **In General**

The practice of denying the vote to individuals convicted of certain crimes dates back to English common law, in the colonies, and in the earliest suffrage laws of the states. While these laws have clearly evolved since that time, it is within the last forty years that the most significant changes in the treatment of felons and their voting rights has occurred. During this time, states have narrowed the list of relevant crimes that would serve to disenfranchise felons, and more than 15 states have eliminated lifetime disenfranchisement, making the loss temporary or creating some procedure that could allow restoration.<sup>1</sup>

The courts have generally held that disenfranchisement laws are constitutional, except in the rare instances when the intent of the law has been deliberately to disenfranchise African American voters. The United States Supreme Court has specifically ruled on numerous occasions that these laws do not violate the Equal Protection Clause, and cite Section 2 of the Fourteenth Amendment, as support for this finding.<sup>2</sup> Section 2 of the Fourteenth Amendment carves out a specific exception allowing denial of the right to vote “for participation in rebellion, or other crime.”<sup>3</sup>

### **Maryland Law**

Prior to 1974, Maryland denied individuals who had been convicted of an infamous crime the right to register and to vote, regardless of whether or not the individual had completed the sentence imposed. In 1974, the General Assembly passed legislation to allow an individual convicted of one infamous crime to vote provided the individual has completed the sentence imposed, including any period of probation. The law, however, continued to deny the right to register and to vote to anyone convicted of a second infamous crime. Since 1974, no substantive changes have been made to State law with respect to the required qualifications for voter registration.

An infamous crime is defined under the Election Code (Article 33 of the Annotated Code of Maryland) as “any felony, treason, perjury, or any crime involving an element of deceit, fraud, or corruption.” As part of the instructions prepared for election officials, the Attorney General has prepared a nonexhaustive list of over 500 crimes considered infamous crimes.

### **National Overview**

The Sentencing Project recently reported that in 13 states, including Maryland, convicted felons who have completely served their sentences are prohibited from voting.<sup>4</sup> Of these states, eight permanently disenfranchise felons after the first felony conviction, while Maryland and Arizona permanently disenfranchise felons after a second conviction. Delaware allows certain felons to vote five years after they have completed their sentences. In addition, Washington and Tennessee permanently disenfranchise those convicted before 1984 and 1986, respectively. Thirty-two states prohibit felons from voting while they are on parole, and 28 states exclude felony probationers as well.<sup>5</sup> With the exception of Maine and Vermont, all states and the District of Columbia prohibit inmates from voting while incarcerated for a felony offense. **Table 1** provides a state-by-state breakdown of state disenfranchisement provisions, while **Exhibit B** depicts this breakdown geographically.<sup>6,7</sup>

In 1998, the Sentencing Project undertook a state-by-state analysis of the impact of criminal disenfranchisement laws, drawing on corrections data from the U.S. Bureau of Justice Statistics and state-level data compiled by various law enforcement and court



agencies. The Sentencing Project used this data to publish a report with the Human Rights Watch, “Losing the Vote” (hereafter referred to as the “1998 Report”). This report made the following findings:

- An estimated 3.9 million Americans, or one in 50 adults, have currently or permanently lost their voting rights as a result of a felony conviction.
- Of these 3.9 million individuals, 1.4 million are ex-offenders who have completed their sentences.
- Six states – Alabama, Florida, Mississippi, New Mexico, Virginia, and Wyoming – exclude from the vote more than 4 percent of their adult population, or more than one in twenty-five.
- Alabama, California, and Virginia each disenfranchise close to a quarter of a million persons.
- Nearly three-quarters (73 percent) of the disenfranchised are not in prison, but are on probation or parole or have completed their sentences.
- Five states – Alabama, Florida, Mississippi, Texas, and Virginia – each disenfranchise more than 125,000 ex-felons. One-third of all disenfranchised ex-felons (436,900) are in Florida. (Incidentally, more recent information indicates that during the 2000 presidential election, the state of Florida had at least 200,000 ex-felons who were unable to vote.)
- One million people of the disenfranchised were only sentenced to probation and not to prison. Texas disenfranchises nearly a quarter of a million people (234,200) on probation.

**Table 2** summarizes these findings by providing a national overview on the impact of voting restrictions, broken down by state.<sup>8</sup> **Table 3** provides a breakdown of the number of persons disenfranchised for felony convictions who are in prison, on probation or parole or have completed serving their sentences.<sup>9</sup>

### **Process for Restoration**

Every state has developed a process by which felons may restore their right to vote. Thirty-three states restore voting rights automatically upon completion of sentence, probation, or parole, while four states require minimal action on the part of the felon in order to initiate the restoration process.<sup>10</sup> This often includes completing and filing certain documents whereby the felon requests either the reinstatement of the right to vote or a discharge certificate that verifies the felon has completed the sentence. In those

states that can permanently take away voting rights, felons must obtain a pardon from the governor or complete a successful petition for the restoration of rights. The following are examples of the restoration process in various states:

- In Maryland, first-time felons automatically have their rights restored upon expiration of their sentence, probation, or parole. Second-time felons must receive a pardon from the Governor.
- In Colorado, Illinois, New Hampshire, North Carolina, Rhode Island, and Texas, felons automatically have their right to vote restored upon completion of their sentence, probation, or parole, and are only required to fill out the required voter registration form.<sup>11</sup>
- In South Dakota, upon completion of their sentence, felons have their right to vote restored when the counties where they committed their offenses receive a copy of the felons' discharge certificates.<sup>12</sup>
- In Alabama, felons are required to provide a DNA sample to the Alabama Department of Forensic Sciences in addition to obtaining a pardon from the Governor.<sup>13</sup>

## **Policy Considerations**

The disenfranchisement of felons raises many policy issues, including: (1) the impact these laws have on African American men; (2) whether these laws violate the Equal Protection Clause and the Voting Rights Act of 1965; (3) whether felons should be disenfranchised because they have breached their "social contract" with society; and (4) the inconsistent application of these laws due to the difficult burden imposed on those officials charged with its administration.

## **Impact on African American Males**

According to the 1998 Report prepared by The Sentencing Project and Human Rights Watch, the national incarceration rate since 1972 has quadrupled. In 1997 the combined prison and jail rate reached 645 per 100,000 individuals residing in the United States.<sup>14</sup> At mid-year 1997, there were 1.7 million United States residents incarcerated, two-thirds of them in state or federal prisons and the remainder in jails.<sup>15</sup> Fifty-three percent of state inmates were sentenced for nonviolent offenses.<sup>16</sup> If these incarceration rates remain unchanged, the Department of Justice data indicate that an estimated one in twenty of today's children will serve time in a prison during his or her lifetime and will be disenfranchised for at least the period of incarceration.<sup>17</sup> The total number of disenfranchised will be substantially greater because it will also include those felons in the twenty-eight states that disenfranchise probationers.

In addition, the 1998 Report also illustrated that the impact of state disenfranchisement laws is dramatically disproportionate with respect to race. Nationally, 2 percent of the eligible voting population is either currently or permanently disenfranchised.<sup>18</sup> African American men constitute one-third of the total disenfranchised population in the United States with 1.4 million or 13 percent of all African American men disenfranchised.<sup>19</sup> This is a rate that is seven times the national average. Election voting statistics offer an approximation of the political importance of black disenfranchisement: 1.4 million black men are disenfranchised compared to 4.6 million black men who voted in 1996.<sup>20</sup>

Maryland has the tenth highest rate of disenfranchised felons in the country. There are approximately 135,700 felons who are disenfranchised in Maryland, and this amounts to 3.6 percent of the total adult population of the State.<sup>21</sup> Moreover, of the 3.6 percent of adults who are disenfranchised for criminal convictions in Maryland, 49.4 percent, or 67,900, are African American males. This equates to 15.4 percent of African American men in Maryland.<sup>22</sup> The percentage of African American men who are disenfranchised varies greatly from state to state. The Sentencing Project and Human Rights Watch reported that the disenfranchisement rates for African American men ranges from a low of 0 percent in Maine, Massachusetts, Utah and Vermont to a high of 31.5 percent in Alabama. Fourteen states have a higher percentage of African American men who are disenfranchised than does Maryland. Further statistics from the 1998 Report include:

- In Alabama and Florida, 31 percent of all African American men are permanently disenfranchised.
- In five other states – Iowa, Mississippi, New Mexico, Virginia, and Wyoming – one in four African American men (24 to 28 percent) is permanently disenfranchised.
- In Delaware, one in five African American men (20 percent) is permanently disenfranchised.
- In Texas, one in five African American men (20.8 percent) is currently disenfranchised.
- In four states – Minnesota, New Jersey, Rhode Island, and Wisconsin – 16 to 18 percent of African American men are currently disenfranchised.
- In nine states – Arizona, Connecticut, Georgia, Maryland, Missouri, Nebraska, Nevada, Oklahoma, and Tennessee – 10 to 15 percent of African American men are currently disenfranchised.

If current rates of incarceration remain unchanged, 28.5 percent of African American men will be confined in prison at least once during their lifetime, a figure six times greater than that for white men.<sup>23</sup> As a result, nearly three in ten adult African American men will be temporarily or permanently deprived of the right to vote.<sup>24</sup> In states that disenfranchise felons, the 1998 Report estimated that 40 percent of the next generation of black men is likely to lose permanently the right to vote.<sup>25</sup>

### **Violation of the Equal Protection Clause and the Voting Rights Act of 1965**

Historically, the courts, including the U.S. Supreme Court, have upheld disenfranchisement laws based on Section 2 of the Fourteenth Amendment. In *Richardson v. Ramirez*, the Supreme Court upheld criminal disenfranchisement laws by construing Section 2 as granting states an “affirmative sanction” to disenfranchise those convicted of criminal offenses.<sup>26</sup> Nevertheless, while providing states’ disenfranchisement laws with some legal basis, *Richardson* did not provide blanket immunity to states with regard to all legislation in this area. In *Hunter v. Underwood*, the Supreme Court modified its holding in *Richardson* when it unanimously declared that Section 2 did not protect disenfranchisement provisions that reflected “purposeful racial discrimination” that otherwise violated the equal protection clause.<sup>27</sup> In *Hunter*, the Court held a provision of the Alabama constitution that disenfranchised offenders guilty of misdemeanors of “moral turpitude” was unconstitutional after finding that the intent of the provision had been to prevent blacks from voting and that it continued to have a racially disproportionate impact.<sup>28</sup>

Disenfranchisement laws may also be vulnerable under the Voting Rights Act of 1965. The Voting Rights Act was passed by Congress to eliminate racial discrimination in American voting, which, until the passage of the Act, had been prevalent across the nation. As amended in 1982, the act prohibits establishing qualifications for voting that result in a denial or abridgment of the right to vote on account of race or color regardless of whether such a provision was enacted with racist intent. However, to date, the issue of whether the Voting Rights Act can be used to strike down criminal disenfranchisement laws is an unsettled question in the federal courts.

### **Breach of the Social Contract**

The major policy issue that arises in opposition to repealing disenfranchisement laws is the concern that felons have breached their “social contract” with society, and accordingly, have forfeited their right to vote. The social contract is a theory that “explains and justifies the formation of society by reference to a hypothetical agreement whereby individuals agree or would agree to come together under a particular system of government.”<sup>29</sup> Several courts have used this theory (in addition to Section 2 of the Fourteenth Amendment) to justify upholding disenfranchisement laws. The Court of Appeals for the Second Circuit (Connecticut, New York, and Vermont) held in *Green v. Board of Elections*, that “a man who breaks the laws he has authorized his agent to

make for his own governance could fairly have been thought to have abandoned the right to participate in further administering the compact.”<sup>30</sup>

### **Administrative Concerns in Maryland**

A concern relating specifically to Maryland’s disenfranchisement law relates to its inconsistent application. According to the Maryland State Board of Elections (hereafter referred to as the “State Board”), the information that local election boards receive from clerks of the court does not indicate whether a conviction is a first or subsequent conviction for an infamous crime.<sup>31</sup> In addition, it is impossible for a local board of elections to know whether a new registration is from a previously convicted felon who is still under a disqualification (parole or probation). The State Board reported that the voter registration rolls are not periodically reviewed for voter qualification with the exception of name or address changes and death information.<sup>32</sup> Moreover, the law prohibits the local boards from questioning the qualifications of a voter unless it has received information from specified extraneous sources ( for example, the courts).<sup>33</sup> With regard to notification of federal and out-of-state convictions, these reports are sporadic and also lack information relating to prior convictions. As a result of the lack of information regarding the felony status of would-be voters, the quality and integrity of the voter registration rolls may be compromised.

### **Recent Legislative Activity**

In the last five years, many states have enacted legislation which address the issue of disenfranchised felons.

- New Mexico and Texas recently enacted legislation that repealed laws that provided for the lifetime disenfranchisement of felons and restored these individuals’ right to vote upon completion of their sentences, including probation and parole.
- In May 2001, Connecticut extended the right to vote to felons on probation. The Sentencing Project reports that this will make 36,000 persons eligible to vote in Connecticut.<sup>34</sup>
- In June 2000, Delaware removed its lifetime voting ban for felons and restored the right to vote to some ex-felons five years after they have completed their sentences, including parole and probation.<sup>35</sup>
- Pennsylvania recently restored the right to vote to ex-felons in time for the 2000 presidential election.<sup>36</sup>

- During the 2000 session, Virginia passed legislation that enables certain ex-felons to apply to the circuit court for the restoration of their voting rights five years after the completion of their sentence. However, those convicted of felony drug offenses must wait seven years before they can apply to have their right to vote restored.<sup>37</sup>
- Connecticut, Massachusetts, New Hampshire, and Utah recently passed laws that disenfranchise incarcerated felons.<sup>38</sup>

In addition, following the 2000 presidential election, numerous organizations and states across the country formed various task forces to examine the election system in general. Some of the recommendations that resulted from these studies include:

- From the National Commission on Election Standards and Reform, sponsored by the National Association of Counties and the National Association of County Recorders, Election Officials and Clerks:

States should review their laws and procedures on the disqualification of voters to ensure that there is a method of restoration, if applicable, that is streamlined to ensure fair access and timely decisions, and that restoration of voting rights is automatically communicated in writing to the restored voter.<sup>39</sup>

- From the National Commission on Federal Election Reform, on which Presidents Gerald Ford and Jimmy Carter served as honorary co-chairman:

Each State should allow for restoration of voting rights to otherwise eligible citizens who have been convicted of a felony once they have fully served their sentences, including any term of probation or parole.<sup>40</sup>

- From the Florida Governor's Select Task Force on Election Procedures, Standards and Technology:

The Florida Legislature should review issues related to the restoration of voting rights to ex-felons with completed sentences, whether convicted in Florida or elsewhere, especially when voting rights have been restored in other states, and recommend possible changes that might be required to the Florida Constitution or to statutes and rules and regulations of the Clemency Board.<sup>41</sup>

## Sources

---

1. The National Commission on Federal Election Reform, *To Assure Pride and Confidence in the Electoral Process*, 45(2001).
2. *Id.*
3. U.S. Const. amend. XIV, § 2.
4. Marc Mauer, *Felony Disenfranchisement Laws in the United States* (2001).
5. *Id.*
6. *Id.*
7. Kate Rooney, *National Conference of State Legislatures* (2001).
8. The Sentencing Project and the Human Rights Watch, *Losing the Vote* (1998).
9. *Id.*
10. Kate Rooney, *Felon Voting Rights: A National Overview* (2001).
11. *Id.*
12. *Id.*
13. Mauer, *supra*.
14. The Sentencing Project and the Human Rights Watch, *supra*, at 12.
15. *Id.*
16. *Id.*
17. *Id.*
18. *Id.* at 7.
19. *Id.*
20. *Id.* at 8.
21. *Id.* at 9.
22. *Id.*
23. *Id.* at 13.

24. *Id.*
25. *Id.*
26. *Richardson v. Ramirez*, 418 U.S. 24 (1974).
27. *Hunter v. Underwood*, 471 U.S. 222 (1985).
28. *Id.*
29. J. Locke, *The Second Treatise of Government* (J.W. Gough rev. ed. 1976) (3rd ed. 1698).
30. *Green v. Board of Elections*, 380 F.2d 445, 451 (1967), *cert. denied*, 389 U.S. 1048 (1968).
31. Linda Lamone, Administrator, Maryland State Board of Elections, *2001 Report on Convicted Felons and Infamous Crimes* (2001).
32. *Id.*
33. *Id.*
34. Mauer, *supra*.
35. *Id.*
36. *Id.*
37. *Id.*
38. Rooney, *supra*.
39. *Id.*
40. The National Commission on Federal Election Reform, *supra* at 45.
41. Rooney, *supra*.



HOUSE BILL 495

Unofficial Copy  
Session  
G1

2001 Regular

(11r0859)

**ENROLLED BILL**

-- Commerce and Government Matters/Economic and Environmental Affairs --

Introduced by Delegates Hill, R. Baker, Benson, Branch, Brown, Burns, Cole,  
C. Davis, D. Davis, Fulton, Gladden, Howard, A. Jones, V. Jones,  
Montague, Nathan-Pulliam, Oaks, Paige, Patterson, Phillips, Proctor,  
Rawlings, Kirk, and Swain

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2  
3  
4  
in

~~Voter Restoration Act of 2001~~  
Task Force to Study Repealing the Disenfranchisement of Convicted Felons

Maryland

5 FOR the purpose of altering the qualifications for voter registration to allow certain  
6 felons who have been convicted of certain crimes more than once but who have  
7 completed the sentence imposed, including any probation, who otherwise are  
8 qualified to be registered voters, and if a certain period of time has elapsed, to  
9 register to vote, provided a certain additional period beyond the completion of  
10 the sentence imposed has elapsed; prohibiting certain felons who are convicted  
11 of certain crimes of violence from being deemed qualified to be registered voters  
12 an individual who has been convicted of a certain crime to qualify to be a  
13 registered voter if the individual has completed the sentence imposed for the  
14 conviction, including probation; and generally relating to the rights of certain

1 ~~felons qualifications of individuals to register to vote in the State establishing a~~  
 2 ~~Task Force to Study Repealing the Disenfranchisement of Convicted Felons;~~  
 3 ~~specifying the composition, powers, and duties of the Task Force; providing for~~  
 4 ~~the staffing of the Task Force; requiring the Task Force to report its findings and~~  
 5 ~~recommendations to the Governor and the General Assembly by a certain date;~~  
 6 ~~and generally relating to a Task Force to Study Repealing the~~  
 7 ~~Disenfranchisement of Convicted Felons in Maryland.~~

8 ~~BY repealing and reenacting, with amendments,~~  
 9 ~~Article 33—Election Code~~  
 10 ~~Section 3-102~~  
 11 ~~Annotated Code of Maryland~~  
 12 ~~(1997 Replacement Volume and 2000 Supplement)~~

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 14 MARYLAND, That the Laws of Maryland read as follows:

15 (a) There is a Task Force to Study Repealing the Disenfranchisement of  
 16 Convicted Felons in Maryland.

17 (b) The Task Force shall consist of the following 11 members:

18 (1) two members of the Senate of Maryland, appointed by the President of  
 19 the Senate;

20 (2) two members of the House of Delegates, appointed by the Speaker of  
 21 the House of Delegates;

22 (3) the Chairman of the State Board of Elections, or the Chairman's  
 23 designee;

24 (4) the Director of the Maryland Division of Parole and Probation, or the  
 25 Director's Designee;

26 (5) a member of the Maryland Attorney General's Office, appointed by the  
 27 Attorney General;

28 (6) the President of the Maryland Chapter of the National Association for  
 29 the Advancement of Colored People, or the President's designee;

30 (7) the President of the Baltimore Urban League, or the President's  
 31 designee;

32 (8) the President of the League of Women Voters of Maryland, or the  
 33 President's designee; and

34 (9) a representative of a victims' rights group, appointed by the Governor.

35 (c) The Chairman of the Task Force shall be designated jointly by the President  
 36 of the Senate and the Speaker of the House of Delegates.

1 (d) The Task Force shall study the national consensus as it relates to felons  
 2 convicted more than once for crimes other than voter fraud, and how such convictions  
 3 affect their right to vote.

4 (e) The State Board of Elections and the Maryland Attorney General's Office  
 5 shall provide staff for the Task Force.

6 (f) On or before December 31, 2001, the Task Force shall report its findings to  
 7 the Governor and, subject to § 2-1246 of the State Government Article, to the General  
 8 Assembly for consideration by the General Assembly in the 2002 Session.

9

**Article 33—Election Code**10 ~~3-102.~~

11 (a) ~~Except as provided in [subsection (b)] SUBSECTIONS (B) AND (C) of this~~  
 12 ~~section, an individual may become registered to vote if the individual:~~

13 (1) ~~Is a citizen of the United States;~~

14 (2) ~~Is at least 18 years old or will be 18 years old on or before the day of~~  
 15 ~~the next succeeding general or special election;~~

16 (3) ~~Is a resident of the county as of the day the individual seeks to~~  
 17 ~~register; and~~

18 (4) ~~Registers pursuant to this title.~~

19 (b) ~~An individual is not qualified to be a registered voter if the individual:~~

20 (1) ~~Has been convicted of theft or other infamous crime, unless the~~  
 21 ~~individual:~~

22 (i) ~~Has been pardoned; or~~

23 (ii) 1. ~~In connection with a first conviction, has HAS completed~~  
 24 ~~the sentence imposed for the conviction, including probation; OR~~

25 2. ~~IN CONNECTION WITH A SUBSEQUENT CONVICTION,~~  
 HAS  
 26 ~~COMPLETED THE SENTENCE IMPOSED FOR THE CONVICTION, INCLUDING~~  
 27 ~~PROBATION, AND AT LEAST 5 YEARS HAVE ELAPSED SINCE THE COMPLETION OF THE~~  
 28 ~~SENTENCE IMPOSED FOR THE CONVICTION, INCLUDING PROBATION;~~

29 (2) ~~Is under guardianship for mental disability; or~~

30 (3) ~~Has been convicted of buying or selling votes.~~

31 (c) ~~NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, AN INDIVIDUAL~~  
 32 ~~WHO HAS BEEN CONVICTED OF A CRIME OF VIOLENCE AS DEFINED UNDER ARTICLE~~  
 33 ~~27, § 643B OF THE CODE IS NOT QUALIFIED TO BE A REGISTERED VOTER.~~

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 ~~October~~ July 1, 2001.

**TABLE 1: Categories of Felons Disenfranchised under State Law**

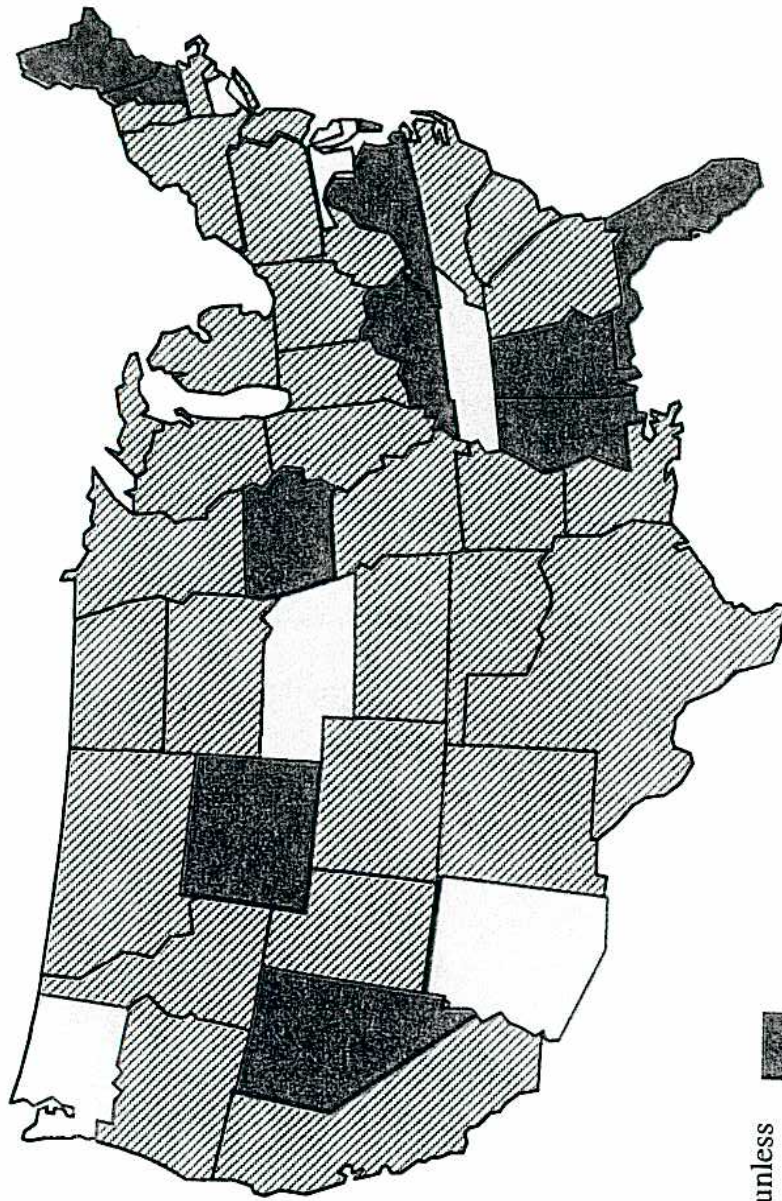
<b>State</b>	<b>Prison</b>	<b>Probation</b>	<b>Parole</b>	<b>Ex-felons</b>
Alabama	x	x	x	x
Alaska	x	x	x	
Arizona	x	x	x	x (2nd felony)
Arkansas	x	x	x	
California	x		x	
Colorado	x		x	
Connecticut	x		x	
Delaware	x	x	x	x (5 years)
Dist. of Col.	x			
Florida	x	x	x	x
Georgia	x	x	x	
Hawaii	x			
Idaho	x			
Illinois	x			
Indiana	x			
Iowa	x	x	x	x
Kansas	x			
Kentucky	x	x	x	x
Louisiana	x			
Maine				
Maryland	x	x	x	x (2nd felony)
Massachusetts	x			
Michigan	x			
Minnesota	x	x	x	
Mississippi	x	x	x	x
Missouri	x	x	x	
Montana	x			
Nebraska	x	x	x	
Nevada	x	x	x	x
New Hampshire	x			
New Jersey	x	x	x	
New Mexico	x	x	x	
New York	x		x	
North Carolina	x	x	x	
North Dakota	x			
Ohio	x			
Oklahoma	x	x	x	
Oregon	x			
Pennsylvania	x			
Rhode Island	x	x	x	
South Carolina	x	x	x	
South Dakota	x			
Tennessee	x	x	x	x (pre-1986)
Texas	x	x	x	x (2 years)
Utah	x			
Vermont				
Virginia	x	x	x	x
Washington	x	x	x	x (pre- 1984)
West Virginia	x	x	x	
Wisconsin	x	x	x	
Wyoming	x	x	x	x
<b>U.S. Total</b>	<b>49</b>	<b>28</b>	<b>32</b>	<b>13</b>



# EXHIBIT B

## Process for Restoration of Voting Rights

Source: The Sentencing Project and the U.S. Department of Justice



Felons permanently lose their right to vote, unless they can obtain a pardon

Certain felons permanently lose their right to vote

Felons retain their voting rights

Automatic restoration upon completion of sentence, probation, or parole

Felon must file or obtain certain documents





**TABLE 2: Disenfranchised Felons by State (1998)**

State	Total Felons	Rate for Total*	African American Men	Rate for African American Men
Alabama	241,100	7.50%	105,000	31.50%
Alaska	4,900	1.20%	500	6.30%
Arizona	74,600	2.30%	6,600	12.10%
Arkansas	27,400	1.50%	10,700	9.20%
California	241,400	1.00%	69,500	8.70%
Colorado	15,700	0.60%	3,500	6.10%
Connecticut	42,200	1.70%	13,700	14.80%
Delaware	20,500	3.70%	8,700	20.00%
Dist. of Col.	8,700	2.00%	8,100	7.20%
Florida	647,100	5.90%	204,600	31.20%
Georgia	134,800	2.50%	66,400	10.50%
Hawaii	3,000	0.30%	100	0.90%
Idaho	3,800	0.50%	100	2.70%
Illinois	38,900	0.40%	24,100	4.50%
Indiana	16,800	0.40%	6,800	4.60%
Iowa	42,300	2.00%	4,800	26.50%
Kansas	7,800	0.40%	2,800	5.60%
Kentucky	24,000	0.80%	7,000	7.70%
Louisiana	26,800	0.90%	19,600	4.80%
Maine	0	0.00%	0	0.00%
Maryland	135,700	3.60%	67,900	15.40%
Massachusetts	0	0.00%	0	0.00%
Michigan	42,300	0.60%	22,700	5.40%
Minnesota	56,000	1.60%	7,200	17.80%
Mississippi	145,600	7.40%	81,700	28.60%
Missouri	58,800	1.50%	20,100	11.30%
Montana	2,100	0.30%	0	2.90%
Nebraska	11,900	1.00%	2,100	10.20%
Nevada	16,800	1.40%	4,000	10.00%
New Hampshire	2,100	0.20%	100	3.80%
New Jersey	138,300	2.30%	65,200	17.70%
New Mexico	48,900	4.00%	3,700	24.10%
New York	126,800	0.90%	62,700	6.20%
North Carolina	96,700	1.80%	46,900	9.20%
North Dakota	700	0.10%	0	1.10%
Ohio	46,200	0.60%	23,800	6.20%
Oklahoma	37,200	1.50%	9,800	12.30%
Oregon	7,300	0.30%	900	4.50%
Pennsylvania	34,500	0.40%	18,900	5.20%
Rhode Island	13,900	1.80%	2,800	18.30%
South Carolina	48,300	1.70%	26,100	7.60%
South Dakota	2,100	0.40%	100	3.50%
Tennessee	97,800	2.40%	38,300	14.50%
Texas	610,000	4.50%	156,600	20.80%
Utah	0	0.00%	0	0.00%
Vermont	0	0.00%	0	0.00%
Virginia	269,800	5.30%	110,000	25.00%
Washington	151,500	3.70%	16,700	24.00%
West Virginia	6,700	0.50%	900	4.40%
Wisconsin	48,500	1.30%	14,900	18.20%
Wyoming	14,100	4.10%	400	27.70%
<b>U.S. Total</b>	<b>3,892,400</b>	<b>2.00%</b>	<b>1,367,100</b>	<b>13.10%</b>

\*Percentage of adult population in the United States who are disenfranchised.

\*\*Percentage of African American men in the United States who are disenfranchised.



**TABLE 3: Disenfranchised Felons by State and Correctional Status (1998)**

State	Disenfranchised Population				Total
	Prison	Probation	Parole	Ex-felons	
Alabama	21,100	21,300	5,200	193,500	241,100
Alaska	2,300	2,100	600	0	4,900
Arizona	21,600	23,800	3,800	25,400	74,600
Arkansas	9,000	13,200	5,100	0	27,400
California	144,400	0	97,100	0	241,400
Colorado	12,400	0	3,300	0	15,700
Connecticut	10,300	30,800	1,100	0	42,200
Delaware	3,100	9,100	1,000	7,300	20,500
Dist. of Col.	8,700	0	0	0	8,700
Florida	63,700	137,200	9,200	436,900	647,100
Georgia	34,300	79,300	21,100	0	134,800
Hawaii	3,000	0	0	0	3,000
Idaho	3,800	0	0	0	3,800
Illinois	38,900	0	0	0	38,900
Indiana	16,800	0	0	0	16,800
Iowa	6,300	8,500	2,200	25,300	42,300
Kansas	7,800	0	0	0	7,800
Kentucky	12,900	6,400	4,600	n/a	24,000
Louisiana	26,800	0	0	0	26,800
Maine	0	0	0	0	0
Maryland	21,000	38,800	16,200	59,700	135,700
Massachusetts	0	0	0	0	0
Michigan	42,300	0	0	0	42,300
Minnesota	5,200	48,400	2,400	0	56,000
Mississippi	13,600	5,500	1,500	125,000	145,600
Missouri	22,000	24,600	12,200	0	48,800
Montana	2,100	0	0	0	2,100
Nebraska	3,200	8,000	700	0	11,900
Nevada	8,200	5,400	3,200	n/a	16,800
New Hampshire	2,100	0	0	0	2,100
New Jersey	27,500	69,200	41,500	0	138,300
New Mexico	4,500	4,900	1,400	38,000	48,900
New York	69,700	0	57,100	0	126,800
North Carolina	27,900	56,400	12,400	0	96,700
North Dakota	700	0	0	0	700
Ohio	46,200	0	0	0	46,200
Oklahoma	19,600	15,400	2,200	0	37,200
Oregon	7,300	0	0	0	7,300
Pennsylvania	34,500	0	0	0	34,500
Rhode Island	2,000	11,200	600	0	13,900
South Carolina	19,800	23,100	5,400	0	48,300
South Dakota	2,100	0	0	0	2,100
Tennessee	15,600	20,600	8,900	52,700	97,800
Texas	132,400	234,200	112,600	130,800	610,000
Utah	0	0	0	0	0
Vermont	0	0	0	0	0
Virginia	27,100	16,300	9,900	216,600	269,800
Washington	12,500	68,900	600	69,500	151,500
West Virginia	2,700	3,100	900	0	6,700
Wisconsin	11,900	28,400	8,100	0	48,500
Wyoming	1,500	1,900	400	10,400	14,100
<b>U.S. Total</b>	<b>1,032,300</b>	<b>1,016,000</b>	<b>452,600</b>	<b>1,391,000</b>	<b>3,892,400</b>

Note: Columns and rows may not always sum exactly, due to rounding.

Source: The Sentencing Project